

REMARKS

The Office Action dated May 12, 2004, has been reviewed carefully and the application has been amended in a sincere effort to place the claims in condition for allowance.

Claim Rejections 35 U.S.C. § 102

Claims 2, 5, 13 – 14, and 17 were rejected under 35 U.S.C. § 102 (e) as being anticipated by Roy, United States Patent No. 6, 324,169 (“Roy”).

Briefly, Applicants’ invention is a system and method for providing conferencing resources to a large number of participants, various ones of whom may be connected to the system via different networks and components. As recited in claim 2, the method includes providing nodes that have means for connecting and disconnecting paths (i.e., calls) between ports that interface with the PSTN and private networks. These nodes are switching nodes that can switch the connection out to any other port interfaced with the system, using the switching buses. Some of the nodes are also functioning as conferencing nodes, such that they can perform conferencing functions and switch the conferenced output out to any port interfaced with any other network.

Roy, on the other hand, relates generally to providing video conferencing services to persons who are coupled with a specially-designed system. As stated by the Examiner, Roy describes routers (Figure 1, elements 3-1, 3-2 and 3-3) being connected to workstations (elements 1-1 through 1-5) *each equipped with multimedia conferencing application programs.* This teaching of Roy does not anticipate the claimed invention and in par-

ticular, Applicants conferencing nodes are not the same as Roy's routers coupled to the workstations running the conferencing program. More particularly, Applicants' conferencing nodes also function as switching nodes. As such, the conferenced output of the summed voices of the conferees is switched to any port interfaced with the system such as the PSTN or private network, via the bus structure. (See: Applicants' Specification, page14, lines 1-5) Applicants' caller does not have to be necessarily interfaced directly with the conferencing node. Applicants' participant can be interfaced with any node on the system. Further, Applicants method and system does not require that the conferencing services con be only provided to users who have that particular conferencing application program running on a workstation. Instead, Applicants can conference ten, twenty or thirty callers, for example, who may be coupled to the system via the PSTN, some may be on a wireless network, and/or a private network. The user does not need to have a special workstation.

Roy's conferencing resources are provided directly to the user at a specially-programmed workstation for that user. (See Roy, Column 4, line 20 through Column 5 line 2, discussing "detailed software architecture for computers 1-1 through 1-5).

Thus, Roy does not anticipate Applicants' invention. (See: Applicants' Specification, page14, lines 1-5)

In order to enhance the claims and to clarify the distinctions which independent claims 2 and 17 have over the cited reference, the claims have been amended to positively recite that the conferencing nodes "are also capable of switching communications, including conferenced output to any other port interfaced with the system from the PSTN

and private networks.” The fact that the conferencing nodes are also coupled to the switching buses has also been positively recited. The selection of the DSP circuit card satisfying the requirements for the conference has also been positively recited in independent claim 2.

Thus, it is respectfully submitted that claims 2 and 17, as amended, and are in condition for allowance.

Regarding the rejection of claim 5, the claim depends upon claim 2 which, for the reasons set forth above, is allowable over Roy. Claims 13 and 14 depend directly or indirectly upon newly amended claim 2 and for the reasons set forth above, are now in condition for allowance.

Claim Rejections 35 U.S.C. § 103

Claims 7 through 12 were rejected under 35 U.S.C. § 103a as being unpatentable over Roy, in view of the United States Patent No. 6,006,269 (“Phaal”).

Phaal relates to a server-resident admission control system which is used to determine whether a requested website is available to process a new session. Phaal’s admission control gateway can admit new messages to a session if it is determined that the server has sufficient processing resources available. Phaal teaches that insuring completion of sessions in progress will promote less user frustration in that, for example, commercial transactions over the web once begun will be reliably completed to the satisfaction of the user (column 5, lines 28 through 34). In addition, the admission control gateway defers some messages until a later time when a scheduler can compile statistics

based on day to day operations to determine times that are less busy for the server to process messages.

Phaal's gateway control of user's attempting to contact a website does not provide solutions and does not relate to a providing a conference call in real time in which individual users converse simultaneously through a common connection. Phaal's system serially receives incoming messages and finds a way of processing those messages one at a time. Even though more than one server can process messages to the website at the same time, Phaal is not managing a simultaneous conference among participants from various networks, such as the PSTN and wireless and private telephony networks. Thus, Phaal cannot be said to provide solutions to those skilled in the art in the conferencing area.

More specifically, Phaal does not include nodes that switch communications *to other nodes serving other ports via a switching bus* as set forth in claim 2 (upon which claim 7 depends). In fact, Phaal is not switching communications at all, but instead is processing messages in a session establishment to and from a single web site. Thus, there is nothing in Phaal to suggest its combination with Roy as to conferencing services.

Furthermore, even if Roy were combined with Phaal, Roy does not provide for conferencing services to individuals interfaced with other networks, as discussed, and Phaal does not teach conferencing at all, so the combination of any teaching of Phaal concerning resource management does not render any aspects of Applicants' invention obvious. Moreover, Phaal is not assigning maximum resources to a conference but instead schedules overflow for a later time. This of course would not be acceptable in Appli-

cants' case because a conference by definition is a simultaneous conversation in real time between participants. Some participants cannot be scheduled to participate in the conference at a later time. Thus, Phaal does not suggest solutions to those skilled in the art to motivate them to accommodate several users at a time and instead teaches away from Applicants' invention.

Neither Phaal nor Roy talks about assigning the DSP circuit card having the maximum available capacity to a conference which has been identified as a dynamic conference as set forth in claim 8. Similarly, claim 9 refers to selection of that DSP circuit in the system that has as many channels as possible such that a conference can grow. Roy does not include the architecture that would support a conference growing in the sense of Applicants' claim 9. Instead, Roy is coupling individual programmed workstations and a video-conference. Phaal relates to assigning resources during a session in progress between users who are sending messages to a website. Similarly, regarding claim 10, Applicants' invention includes defining a critical conference as a conference that requires the maximum opportunity for growth and claim 11 further indicates that such a critical conference would involve instructing the DSP circuit with the maximum available capacity to reserve conference resources and to establish the conference and to block other conferences. Once again, Phaal's method of assigning priority resources to sessions that are already in progress and scheduling non-priority communications for a later time does not render Applicants' invention obvious because Phaal's host side receives a stream of incoming messages and determines which may access one or more web pages stored on the server. Applicants' invention, on the other hand, relates to the simultaneous communica-

tion between participants in a conference and is not involving a stream of messages. Thus, solutions provided by Phaal for the web site server overload condition does not suggest solutions for providing adequate resources to handle a conference that, for example, could be likely to grow in size dynamically.

Regarding claim 12, similarly, Phaal's deferral manager works in tandem with a scheduler to calculate times for deferred messages to be processed. This does not suggest that resources should be released at the end of a conference. Phaal is not providing solutions for conferencing services.

Simply combining Phaal's admission control gateway to Roy's multimedia conferencing services over a wide area network interconnecting individual workstations does not provide solutions or suggestions about Applicants' multi-participant simultaneous conferencing.

Allowable Subject Matter

Claims 3 – 4, 6, 15 – 16 and 18 – 19 were objected to as being depending upon a rejected base claim. Claim 3 was rewritten in independent form including all the limitations of the base claim and to further include the subject matter of claim 4 for simplicity. Claim 4 was cancelled. Claim 6 has been amended to change its dependency to claim 3, which has been indicated as allowable if rewritten and thus is also now in condition for allowance. Claim 15 was rewritten in independent form and claim 16 depends therefrom. It is respectfully submitted that in view of the amendments to claim 17, then claims 18 and 19 are also now in condition for allowance.

SUMMARY

The claims have been amended, either directly or through dependency in a sincere effort to place the application in condition for allowance and all of the Examiner's objections and rejections have been addressed herein. It is respectfully submitted that the application is now in condition for allowance.

Please do not hesitate to contact the undersigned in order to advance the prosecution of this application in any respect.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,


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